Sl. No 169

36-43

195 .

File No. 580/36.

P.W. DEPARTMENT

A CLASS

E BRANCH

Subject:— Frauds & Embezzlements measures to prevent —

P 38/(E)

V

A [K]

File No. 580/36 — E

Ltd. Secrt. Slip. 94 A

Std. Sectt. 78A e.

G.R., G D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 580/36

P.W. DEPT.

E BRANCH.

References :—

Original file is sent to Maharashtra.

Date.	To whom sent.	Notes and instructions.

Departmental enquiry in case of fraud embezzlement of Government money in which Government servants are involved .

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 3191.

Bombay Castle, 1st July 1936.

Endorsement from the Government of India, Home Department No. F 312/35-Public , dated the 15th November 1935 , forwarding a copy of the following letter bearing the same number and date.:-

" In the Finance Department letter No. F. 243-A, dated the 21st June 1929, general principles were laid down to regulate the enforcement of responsibility for losses sustained by Government through fraud or negligence of Government servants. It was therein stated (among other things) that it is of the greatest importance to avoid delay in the investigation of any such loss; that where it appears that recourse to judicial proceedings is likely to be involved, competent legal advice should be taken as soon as the possibility emerges; that, where there is a reasonable suspicion of fraud or other criminal offence, a prosecution should be attempted unless the legal advisers consider that the evidence available is not such as will secure a conviction; and that, where loss is due to delinquencies of subordinat officials and where it appears that this has been facilited by laxity of supervision on the part of a superiod officer, the latter also should be called strictly to account.

These principles were supplemented by instructions contained in the memorandum attached to the Home Department letter No. F. 317-Judl., dated the 19th April 1934. These instructions had special reference to cases in which prosecutions in the criminal courts, are, or are likely to be necessary ; and laid down (among other things) that, as soon as a reasonable suspicion exists that a criminal offece has been committed , the senior officer of the department will report to the District Magistrate and ask for a regular podice investigation; and explained the prodecure that should follow the investigation.

"2. For convenience of reference these two memoranda are attached to this letter. It is now desired to explain as clearly as possible what is

necessary to be done in the way of departmental enquiry where a prosecu tion is, or is likely to be, instituted. It has been found that, where # fraud or embezzlement of Government funds has has occured, there is a tendency for the head of the office or department to regard the ins titution of criminal proceedings as absolving Him form the unpleasant and of ten laborious task of conducting immediately a through depart- mental enquiry. This natural reluctance may be enhanced by an apprehen- sion that an enquiry may prejudice the result of the trial in a court of law. As a result, there has some times been great delay in taking departmental proceedings and the results have been inconclusive. The Pu- blic Accounts Committee in their report on the accounts of 1933-34 have agreed with the Auditor-General that departmental enquiries should not necessarily be delayed pending decision of criminal cases, as at a later stage the evidence might disappear and the departmental enquiry could not be brought to any conclusion at all .

3. Experience shows that departmental proceedings cannot as a rule proceed concurrently with a criminal prosecution. Much of the evidence in a case of fraud or embezzlement is documentary . As soon as the cri- minal proceedings begin the documents go to the court as exhibits and there they must remain till the case is over and (if an appeal is filed) till the appeal is over. But it is essential that everything should be done to carry the departmental proceedings as far as pose- ible before prosecution begins. The stage to which departmental proce- dings , prior to prosecution, should be taken must depend on circums- tances and cannot be precisely defined. The normal procedure is laid down in Rule 55 of the Civil Services (Classification , Control and Appeal) Rules , and the stage which departmental proceedings must reach may accordingly to circumstances be any one of the stages described or implied in the Rule -i.e., the preliminary recor- ding of evidence, the receipt of the delinquent's written statement afte er the framing of a charge, the personal hearing, or the enquiry. . If it is intended to prosecute a finding and sentence should not be record- ded in the departmental proceedings till after the disposal of the crimi- nal case: but it must be emphasised that the proceedings should be com- pleted up to the point that can properly be reached.

"4. A common type of case is that where a number of persons are involved one or more criminally, and others in such circumstances as show negligence, or warrant the suspicion of criminal abetment without sufficient proof to justify prosecution, or have similar features which necessitate a criminal prosecution of one or more and a departmental enquiry against others. In such cases the authority has sometimes neglected to institute a formal departmental enquiry, or to carry it to the requisite stage, before criminal proceedings are taken, with the result that many months later, when the criminal case is over, effective departmental action has been found impracticable.

"5. The general rule should be that in all cases of fraud, embezzlement, or similar offences departmental proceedings should be instituted at the earliest possible moment against all the delinquents and conducted with strict adherence to the Rules up to the point at which prosecution of any of delinquents begins. At that State it must be specifically considered whether further conduct of the departmental proceedings against any of the remaining delinquents is practicable; if it is, it should continue as far as possible(which will not, as a rule, include finding and sentence). If the accused is convicted and awarded and adequate sentence, the departmental proceedings against him will be formally complete, and the proceedings against other delinquents continued. If the accused is not convicted or the accused is inadequately punished, the departmental proceedings against him will be resumed, as will also those against the remaining delinquents.)

"6. The proceedings contemplated in these instructions are those which are regulated by the Civil Services (Classification Control and Appeal) Rules. Where action is taken under the Public Servants (Inquiries) Act XXXVII of 1850. this ordinarily takes the place of a criminal prosecution as regards the person or persons accused; but the procedure as regards other persons involved against whom the Act is not employed

should be in accordance with the instructions given above."

RESOLUTION:- Copies of the Government of India letter should be forwarded for information and guidance to all Departments of the Secretariat ad to all Heads of Offices under them for information and guidance in continuation of Government Resolution No. 3191, dated the 20th September 1934.

By order of the Governor ~~of~~ in Council
and of the Government of Bombay
(Transferred Departments),

H.H. Patel.
Officiating Deputy Secretary to Govt.

G.R. No. 3191, F.D., dated the 1st July 1936.

To

The Accountant General,
The Private Secretary to His ~~Ex~~ Excellency the Governor,
The Military Secretary to His Excellency the Governor,
*The Prothonotary and Senior Maste, His Majesty's High Court
Bombay,
*The Registrar of His Majesty's High Court of Judicature,
Appellate Side, Bombay,
The Commissioner of Police,
The Inspector General of Police,
The Chief Presidency Magistrate, Bombay,
All District~~s~~ ~~Magistrates~~ Magistrates,
All other Heads of Offices under the several Departmental
of the Secretariat,
All Departments of the Secretariat,

* By letter.

No. of 1936.

Copy forwarded for information and guidance to

Frauds:-
Measures to prevent in the money order transactions of the Post Offices

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 3191.

Bombay Castle , 22nd December 1936.

Letter from the Accountant General, Bombay No. T.M. 22/1515, dated the 10th October 1936:-

" I have the honour to state that in order to minimise the chances of commission of fraud in the money order transactions of the Post Offices, the Audidor General has asked his office to suggest to the Local Government the desirability of issuing instructions to Treasury Officers and authorities of Local Boards to the effect that whenever money orders are tendered for issue with treasury certificates or cheques in lieu of cash they should invariably demand individual receipts in respect of each such money order. I would accordingly request that if Government agree to the suggestion, neccesary instructions may please be issued to all Treasury Officers and Districts Local Boards on the subject and the question of incorporating the insxtructions in the Final Rules may also be considered."

RESOLUTION:- Copies of the letter from the Accountant General should be forwarded to all Departments of the Secretariat and to all Heads of Officer for information and guidance .

2. The Collectors should be requested to communicate the instructions contained in the Accountant General's letter to all local authorities in their districts.

3. The following correction slip to Financial Publication No. 1 should be issued:-

Page 14, Rule 27.

Number of existing Note under this Rule as Note 1 and insert the following as Note 2:-

Whenever money orders are tendered for issue with treasury certificates or cheques in lieu of cash, individual receipts in respect of each such money orders should invariably be demanded,".

By order of Govr. in Council,

H.V.R. IENGAR,

Deputy Secretary to Government.

G.R. No. 3191, P.D. dated the 22nd December 1930.

To

The Ex Accountant General,

The Private Secretary to His Excellency the Governor,

The Military Secretary to His Excellency the Governor,

The Commissioner, Northern Division,

The Commissioner , Southern Division,

*The Prothonotary and Senior Master, His Majesty's High Court, Bombay,

*The Registrar of His Majesty's High Court of Judicature Appellate Side, Bombay,

All Collectors,

All other Heads of Offices under the several Departments of the Secretariat,

All Departments of the Secretariat.

* By ~~ordinary~~ Letter.

No. of 1930.

Copy forwarded for information and guidance to

Embezzlements and Frauds:

Measures to prevent:-

Pay:

Remittance of amounts recovered from:- bills under orders of Courts.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 3191.

Bombay Castle, 18th March 1937.

Memorandum form the Auditor General, India, No. 391-Admn. II/283-84 dated 4th June 1935.

Letter form the Accountant General No. T.M. 28-A/1432 dated 13 thm September 1935.

Letter form the Accountant General No. T.M. 28-A/1913 dated 24th October 1935.

RESOLUTION:- The Governor in Council is pleased todirect that the following amendment should be made in the Manual of Financial Rules under Devolution Rule 37(c) (Financial Publication No. I).

Page 38 , Rule 75-A (b)-

Substitute the following for the existing rule:-

75-A (b). For payments made into Court of Law, on account of attachment or otherwise, the following rules and instructions shoule be followed:-

I- Offices situated outside Bombay and the Bombay Suburban ~~Xxxx~~ District.

(a) Amounts deducted ~~from~~ from the pay bills of gazetted and non-gazetted Government servants under prohibitory orders issued by a Court of Law not located at the headquarters of the treasurey cashing the bills should be remitted to the Court concerned by Postal Money Order:-

(i) In the case of attachments of the pay of gazetted Government servants the ~~xx~~ treasury officers disbursing the eir pay will prepare money order forms in favour of the Courts concerned for the amounts to be remitted, deduct these amounts as well as the money order fees thereon from the bills , and after passing the net amounts of the

bills send the money order forms to the Post Offices for issue . A certificate should be recorded on each form to the effect that the amount of the money order with the money order fees due thereon has been credited to the Post Office by book transfer.

(ii) In the case of non-gazetted officers, the drawing officer should attach to the pay bill properly prepared money order forms for the amounts to be remitted; the amounts of the money orders as well as the fees thereon should be shown as deductions in the pay bill. The Treasury Officer will pass the bill for the net amount , credit the deductions by transfer to the Post Office and send the money order forms to the Post Office together with the certificates prescribed in sub-clause (i) above. On obtaining the money order receipt the Treasury Officer will check it with the amount deducted from the bills and then transmit it for record to the drawing officer.

(b) Amounts deducted for pay bills of gazetted and non-gazetted Government servants under prohibitory orders issued by a Court of Law located at the headquarters of the treasury cashing the bills should be paid by transfer to Civil Court Diposits , for which transfer entry chalans should be passed as under:-

(i) In the case of attachments of the pay of gazetted officers the Treasury Officers will obtain before the end of the month chalans in triplicate signed by the Bailiff of the Court. The amounts will be deducted form the pay bills and credited in the treasury accounts by transfer to the head "Civil Court Deposits." One copy of the chalan duly signed by the Treasury Officer will be forwarded to the Court, the duplicate to the gazetted officer concerned and the triplicate will be retained in the treasury. The payment of the amounts due to the parties concerned will be under the procedure for repayment of deposits.

(ii) In the case of attachments, of the pay of non-gazetted officers the drawing officer will obtain before the end of

the month chalans in triplicate signed by the Bailiff of the Court and attach them to thexx pay bill, the amounts of the chalans being shown as deductions in the pay bills. The Treasury Officer will pass the net amount of the bill and credit the amount of the head "Civil Court Deposits" and forward the original copy of the chalan to the Court xxxxx and the duplicate to the drawing officer retaining the triplicate in the Treasury.

Note:- The gross amount of the bill the per contra deduction on account of court attachments made thereon should be shown in the Treasury accounts under the service head concerned and the deposit head "Civil Court Deposits " respecitcely.

II. -Offices situated in Bombay and the Bombay Surbaban~~xxxxx~~ District .

(a) Remittace to the Courts in Bombay :- In the case of gazetted Government servants crossed for the amounts of the attachments will be issued by the Accountant General in favour of the Judges of the Courts concerned and sent direct to those Courts.

In the case of non-gazetted Government servants the Head of the Office should attach to the pay bills a schedule d showing (1) the names of the Government servants. (2) the amount to be deducted from the pay of each, and (3) the names of the Courts to w which the money is to be remitted. The Accoutant General will ~~xxxx~~ draw a crossed cheque in favour of the Court specified and send x it to the Head of the Office concerned along with the cheque for the remaining amount of the pay bill. The Head of the Office will be responsible for forwarding the cheque to the Court concerned.

(b) Remittances to Courts outside Bombay:-

(i) In this case also the procudure indicated in clause (a) above should be followed except that the crossed cheques willbe issued by the Accountant General in Favour of the Presidency Post Master Bombay (or any other Post Office in the Bombay City if this be more convenient to the Head of the Office). The Post Office does not accept cheques for amounts of Rs. 20 or less and so crossed cheques will therefore be issued by the Accountant

General if the total amount to be remitted by postal order by ~~the~~ each Head of the Office is in excess of Rs. 20 inclusive of the money order charges. In the case of recoveries made form the pay bills of gazetted officers, the responsibility of remitting the amounts by money orders will rest with the ~~Accountant~~ Accountant General. . In the case of non-gazetted Government servants, the crossed cheque along with the cheque for the remaining amount of the pay bill will be sent to the Head of the Office who will become responsible for issuing the money orders.

(ii) For amounts less than Rs. 20 the procedure in clause (a) of rule 75-A (b) should be followed by the Accountant General and the Head of Office concerned in the case of gazetted and non-gazetted Government servants respectively.

III - Special procedure for Forest and Excise Departments.

Amounts deducted form pay bills of the gazetted and non-gazetted Government servants of the Forest and Excise Departments under ~~prohibitory~~ prohibitory orders issued by a Court ~~of~~ of Law located at the ~~headquarters~~ headquarters of the Government servant concerned or of the Division in the accounts of which the pay bill is finally debited should be paid by drawing a cheque on the Treasury with instructions to pay it by transfer credit to Civil Court Deposits as prescribed in rule 75-A (b)-(b). In the case of remittances to the Courts in Bombay of the amounts recovered form the pay bills paid in Bombay or the Bombay ~~Suburban~~ Suburban District the procedure idicated in clause II (a) of rule 75-A (b) should be followed ~~by~~ by the departmental disbursing officers. When, however, the amounts are below Rs.10 they may b paid into the Court in cash.

When the prohibitory orders are issued by Courts not located at the headquarters of the Government servant concerned or of the Division ~~in~~ in the accounts of which the pay bill is finally debited, the departmental disbursing officer should draw a cheque for the amount of the money order as well as money order commission and send it ~~with~~ with the money order form to the Treasury Officer for payment by transfer ~~of~~ credit to the Post Office and the Treasury Officer will then forward the ~~money~~ money order form to the Post Office for necessary action.

By order of the Governor in Council,

H.V.R. IYENGAR,

Deputy Secretary to Government.

G.R. No. 3191. F.D. dated the 18th March 1937.

To

The Commissioners of Divisions,

All Collectors,

The Accountant General.

*The Prothonotary and Senior Master, His Majesty's High Court, Bombay,

*The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay,

*The Postemaster General , Bombay Circle,

All other Heads of Offices under the several Departments of the Secretariat,

All Departments of the Secretariat.

* By letter.

No. of 1937.

Copy forwarded for information and guidance to-

Embezzlements and Frauds:
Measures to prevent-
Pay:
Remittance of amounts recovered from - bills under orders of Courts.

GOVERNMENT OF BOMBAY.
FINANCE DEPARTMENT.

Resolution No. 3191.

Bombay Castle, 20th August 1937.

Letter from the Accountant General No. T.M. 28/A-780 dated 21st June 1937.

RESOLUTION:- The Governor of Bombay is pleased to direct that the following amendment should be made in the Manual of Financial Rules under Devolution Rule 37 (e) (Financial Publication No. 1):-

Page 56, Rule 75-A (b)-

Substitute the following for the existing rule prescribed by Government Resolution No. 3191 dated 15th March 1937:-

75-A (b). For payments made into a Court of Law, on account of attachment or otherwise, the proper procedure is to remit to the Court amount realised under the attachment order less the remittance charges. The disbursing officer is not entitled to deduct from the salary anything in excess of the amount specified in the attachment order. The debtor will therefore receive credit only for the net amount received by the Court after the remittance charges have been deducted, and not for the whole amount deducted from the pay bill. The following rules and instructions should be followed in making such payments:-

I- Offices situated outside Bombay and the Bombay Suburban District.

(a) Amounts deducted form pay bills of gazetted and non-gazetted Government servats under prohibitory orders issued by a Court of Law not located at the headquarters of the treasury cashing the bills should be remitted to the Court concerned by Postal Money Order:-

(i) In the case of attachments of the pay of gazetted Government servants the treasury officers disbursing their pay will prepare money order forms in favour of the Courts concerned for the amounts be remitted under the prohitibory orders

less the money order fees. The treasury officers should deduct the amounts specified in the attachment orders, from the bills and after passing the net amounts of the bills send the money order forms to the Post Offices for issue. A certificate should be recovered on each form to the effect that the amount of the money order with the money order fees due thereon has been credited to the Post Office by book transfer.

(ii) In the case of non-gazetted officers, the drawing officer should attach to the pay bill properly prepared money order forms for the amounts to be remitted under the prohibitory orders less the money order fees; the amounts specified in the attachment order should be shown as deductions in the pay bill. The Treasury Officer will pass the bill for the net amount, credit the deductions by transfer to the Post Office and sent the money order forms to the Post Office together with the certificates prescribed in sub-clause (i) above. On obtaining the money order receipt the Treasury Officer will check it and see that the amount specified on the receipt together with the money order fee thereon corresponds to the amount deducted from the bills and then transmit if for record to the drawing officer.

(b) Amounts deducted from pay bills of gazetted and non-gazetted Government servants under prohibitory orders issued by a Court of Law located at the headquarters of the treasury causing the bills should be paid by transfer credit to Civil Court Deposits, for which transfer entry chalans should be passed as under:-

(i) In the case of attachments of the pay of gazetted officers the Treasury Officers should prepare chalans in triplicate. The amounts will be deducted from the pay bills and credited in the treasury accounts by transfer to the head " Civil Court Deposits ". One copy of the chalan duly signed by the Treasury Officer will be forwarded to the Court, the duplicate to the gazetted officer concerned and the triplicate will be retained in the treasury. The payment of the amounts due to the parties concerned will be uder the procedure for repayment of deposits .

(ii).....

(ii) In the case of attachments of the pay of non-gazetted ~~xf~~ officers the drawing officer should prepare chalans in triplicate to , and attach them to the pay bills the amounts of the chalans being shown as deductions in the pay bills. The Treasury Officer will pass the net amount of the bill and credit the amount to the head " Civil Court Deposits" and forward the original copy of the chalan to the Court and the duplicate to the drawing ~~xxxxx~~ officer retaining the triplicate in the Treasury.

Note:- The gross amount of the bill and the ~~xx~~ per contra deduction on account of Court attachments made therefrom should be shown in the Treasury accounts under the service head concerned and the deposits head "Civil Court Deposits" respectively.

II- Offices situated in Bombay and the Bombay Suburban District-

(a) Remittance to the Courts in Bombay- In the case of ~~xxxx~~ gazetted Government servants crossed ~~xxxxx~~ cheques for the amounts ~~xfx~~ of the attachments will be issued by the Accountant General in favour of the Judges of the Courts concerned and sent direct to those Courts .

In the case of non-gazetted Government servants the Head of the Office should attach to the paybills a schedule showing (1) the names of the Government servants ,(2) the amount to be deducted from the pay of each, and (3) the names of the Courts to which the money is to be remitted.,The Accountant General will draw a crossed in favour of the Court specified and send it to the Head of the Office concerned along with the cheque for the remaining amount ~~xxx~~ of the paybill. The Head of the Office ~~xxx~~ will be responsible for forwarding the cheque to the Court concerned.

(b) Remittances to Courts outside Bombay-

(i) In this case also the procedure indicated in clause (a) above should be followed except that the amounts to be remitted to the Courts will be those realised under the prohibitory orders less the money order fees thereon. Crossed cheques for the amounts realised under the prohibitory orders will be issued by the Accountant General in favour of the Presidency

Post Master, Bombay (or any other Post office in the Bombay City if this be more convenient to the Head of the Office). As the GPO Post Office, does not accept cheques for amounts less than Rs. 20 crossed cheques will be issued by the Accountant General if the total amount to be remitted by postal money order by each Head of the Office is Rs. 20 or above inclusive of the money order charges. In the case of the recoveries made from the pay bills of gazetted officers, the responsibility of remitting the amounts by money orders will rest with the Accountant General. In the case of non-gazetted Government servants the crossed cheque along with the cheque for the remaining amount of the pay bill will be sent to the Head of the Office who will be responsible for issuing the money orders. All such money orders will be for the amounts realised under the attachment order less the money order fees thereon.

(ii) For amounts less than Rs. 20 the procedure in clause (a) of rule 75-A(b) should be followed by the Accountant General and the Head of the Office concerned in the case of gazetted and non-gazetted Government servants respectively.

III- Special procedure for Forest and Excise Departments.

Amounts deducted form pay bills of gazetted and non-gazetted Government servants of the Forest and Excise Departments under prohibitory orders issued by a Court of Law located at the Headquarters of the Government servant concerned or of the Division in the accounts of which the pay bill is finally debited should be paid by drawing cheque on the Treasury with instructions to pay it by transfer credit to Civil Courts Deposits as prescribed in rule 75-A (b) -I(b). In the case of remittances to the Courts in Bombay of the amounts recovered from the pay bills paid in Bombay or the Bombay Suburban District, the procedure indicated in Clause II (a) of rule 75-A(b) should be followed by the departmental disbursing officers. When, however, the amounts are below Rs. 10 they may be paid into the Court in cash.

When the.....

When the prohibitory orders are issued by Courts not located at the headquarters of the Government servant concerned or of the Division in the accounts of which the pay bill is finally debited, the departmental disbursing officer should draw a cheque for the amount of the money order as well as money order commission and send it with the money order form to the Treasury Officer for payment by transfer credit to the Post Office and the Treasury Officer will then forward the money order form to the Post Office for necessary action.

By order of the Governor of Bombay,
J. C. BOLTON,
Deputy Secretary to Government.

G.R. No. 3191, P.D., dated the 20th August 1937.

To

The Commissioners of Divisions,

All Collectors,

The Accountant General,

*The Prothonotary and Senior Master, His Majesty's High Court, Bombay.

*The Registrar of His Majesty's High Court of Judicature, Appellate Side Bombay.

The Postmaster General, Bombay Circle,

All Other Heads of Offices under the several Departments of the Secretariat.

All Departments of the Secretariat.

* By Letter.

No. of 1937.

Copy forwarded for information and guidance to

Embezzlements and Frauds:
Measures to Prevent-

Pay:
Remittance of amounts recovered from- bills under orders of Courts.

GOVERNMENT OF BOMBAY
FINANCE DEPARTMENT.

Resolution No. 3191.
Bombay Castle, 10th February 1938.

Letter from the Superintending of Bombay Railway Police G.I.P., M & S.M. Railways, Poona , No. 304 dated the 27th July 1937.

Memorandum from the Inspector General of Police No. 1019 dated the 13th August 1937.

Letter from the District Judge, Poona No. 2034 dated 12th October 1937.

Letter from the Registrar , High Court, Appellate Side, Bombay No. 3051 dated 9th November 1937.

Government Memorandum , Home Department, No. 9999/3-B dated 11th December 1937- Transferring the papers.

RESOLUTION:- The Governor of Bombay is pleased to direct that the following amendments should be made in the Manual of Financial Rules under Revolution Rule 37 (e) (Financial Publication No. I):-

Page 36, Rule 75-A (b) I (b)-

For the words "will obtain before the end of the month chalans in triplicate signed by the Bailiff of the Court" occuring in lines 2 and 3 of each clauses (i) and (ii) of this rule as inserted by Government Resolution No. 3191 dated 20th August 1937, substitute the words should prepare chalans in triplicate. "

By order of the Governor of Bombay,

J. C. BOLTON,

Deputy Secretary to Government.

G. R. No. 3191. F.D., dated the 10th February 1938.

To.....

To

The Commissioners of Divisions,

All Collectors,

The Accountant General,

*The Prothonotary and Senior Master , His Majesty's High Court, Bombay,

*The Registrar of His Majesty's High Court, of Judicature Appellate Side, Bombay,

The Post Master General , Bombay Circle,

All other Heads of Offices under the several Departments of the Secretariat,

*

All Departments of the Secretariat,

* By letter.

No. Of. 1938.

Copy forwarded for information and guidance to

No. 3191/35/15301-A.

Finance Department.

Bombay Castle, 2nd September 1938.

Subject:- Embezzlements and frauds.

Measures to prevent. ---

Memorandum.

The undersigned presents compliments to the Superintending Engineer, Central Circle, and, with reference to his letter No. C.E. 4/3074, dated the 20th June 1938, to Govt. in the Public Works Department on the subject mentioned above, is directed to state that in accordance with the orders issued in Government Circular No. 3121 dated the 9th April 1931 read with Financial Rule 40-C inserted by Government Resolution, Finance Department No. 3121 dated 8th July 1937 one person may carry money up to to Rs. 200/- . If, however, the amount to be so carried is between Rs. 200 and Rs. 5,000 two peons are necessary, if only peons carry the money. If the amount is in excess of Rs. 5,000 , at one of the persons must invariably be a clerk or a cashier.

By order of the Governor of Bombay ,

Sd/-.
Assistant Secretary to the Government of Bombay, Finance Department.

Rs/-

Copy to the Public Works Department.

Pay and allowances:
Measures to prevent fnauds ~~x~~
by impersonation.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.
Circular No. 4397/33.
Bombay Castle, 23rd January 1940.
CIRCULAR OF GOVERNMENT.

As stated at the top of the pay bill form of gazetted officers Government accepts no responsibility for any fraud or misappropriation in respect of money or cheques made over to a messenger.

2. A case of fraud has occured in which an imposter obtained the approved salary bill of an officer on the strength of a forged letter of authority and then cashed the bill at the Imperial Bank. The ~~x~~best way for a gazetted officer to avoid the possibilities of such ~~g~~ frauds is to open a banking accountand to endorse bills in favour of the bank. In order to protect officers who, for anyreason are unable to do sox the following procedure ~~x~~ is hereby prescribed.

3. The messenger should produce a signed letter of authority ~~x~~ on which his own signature is given. The treasury official should first compare the officer's signature on the letter of authority with the specimen signature in the treasury and secondly compare the messenger's signature taken in his presence with the signature on the letter of authority. If both these signatures agree payment may be made or the bill may be handed over to the messenger in question.

By order of the Governor of Bombay,

H.V.R. IENGAR,
Secretary to Government.

G.C. No. 4397/33. F.D., dated the 23rd January 1940.

To
The Accountant General.
The Commissioners of Divisions,
~~The~~ All Collectors,
*The Prothonotary and Senior Master, His Majesty's High Court, Bombay,
*The Registrar His Majesty's High Court of Judicature, Appellate Side, Bombay,
*The Secretary, Reserve Bank of India, Central Office Bombay,
All other Heads of Offices under the several Deptts. of the Secretariat,
All Departments of the Secretariat,

* By letter.

No. of 1940.
Copy forwarded for ~~information~~ and guidance to. ✓ information.

Misappropriation(s).
Government Moneys.
Measures for prevention of
- of,by village officers.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Resolution No. 67/39.

Bombay Castle, 21st June 1940.

Letter from the Settlement Commissioner and Director of Land Records / No. L.R. 789, dated the 5th January 1940:-

" /I have the honour to ~~invite~~ invite reference to Government Resolution No. 67/39, dated the 2nd August 1939, in paragraph (ii) of which it has ben stated that the talati or Kulkarni should maintain in a register showing the number of receipt books and the number of receipts issued to him,. No form has, however, been prescribed for the purpose. I think it necessary that a form should be prescribed so that it may be standardised , printed and issued to all the talatis in the Province-, I suggest the accompanying form for the approval of Government. The proposed form shows the number of books and receipts received form the taluka, the book that is in current use and the book or books that are used up or returned to the ~~taluka~~ taluka. The inspecting officer's check will be more effective if this form is regularly maintained. A few sample entries are given in order to show how the form is to be maintained.

"2. Besides Land Revenue ~~pr~~ proper the village officers recover other dues such as irrigation, tagai, etc., for which separate day and receipt books are supplied and it is therefore necessary to control the issue and stock of these forms as well. The form devised by me for Land Revenue also shows ~~thank~~ a few sample entries as to how these other forms should be accounted for in that register and I request that Government may be moved to sanction the form and its maintenance by the talatis in all the villages of the Province and to authorise me to include a note in the correction slip to be issue in accordance with paragraph 8 of the Government Resolution that theinstructions (i) to (vii) given in paragraph 1 are also ~~applicable~~ applicable to the books and receipts in respect of all other revenues such as tagai, irrigation etc. collected by the village officers.

"3. I ~~xk~~ have also included a few sample entries in the two for ms sanctioned by Governmen paragraph 1(i) of the Resolution for being maintained by the record [redacted] keeper in the Taluk ka office in order that the use of the two forms ~~xx~~ may be properly unde rstood and the forms correctly maintained. Government may kindly be moved to approve the change. "

Government Memorandum No. 87-B/39, dated the 1st 1940.

Letter form the Commissioner , Southern Division, No. A.D.M. 477, dated the 19th April ~~19xx~~ 1940.

Letter form the Commissioner, Central Division, No. W.N.T. 3/48, dated the 20th May 1940.

Letters from the Commissioner, Northern Division No. T.R.Y. 71, dated the 28th May 1940.

RESOLUTION:- Forms* Nos. 1, 2 and 3 proposed by the Settlement Commissioner are approved subject to some ~~x~~ modi~~xx~~fication they should be substituted for forms Nos. 1 and 2 printed as an o accompaniment to Government Resolution No. 87/39, dated the 2nd August 1939.

2. With reference to instruction No. (iii) in paragraph 1 of Government Resolution No. 87/39 dated the 2nd August 1939, the ~~t~~ taluka officers should see that all receipts books issued the ~~t~~ taluka should begiven a serial number for the current revenue year.

By order of the Governor of Bombay.
R.F. KEITH,
Under ~~Secy~~ Secy. to Government.

To

The Commissioner, Northern Division,
The Commissioner, Central Division,
The Commissioner, Southern Division,
The Settlement Commissioner and Director of Land Records,
All Collectors,
The Accountant General ,
The General Department,
The Finance Department,
The Public Works Department.

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* Printed as accepts to this Res.

Accompaniments to Government Resolution, Revenue Department,

No. 87/39, dated the 21st June 1940.

FORM NO. 1.
LAND REVENUE.

Form showing the account of V.F. IX received form the press and issued

to the talati, taluka, district,

for the year 19...

Opening balance on 1st August 19..	Number of books received as per annual indent.	Books issued to talatis.			
Number of books containing 160 receipts.		Name of village	Number of books issued.	No.of receipts.	Talati's signature in taken of receipt and date.
25.	200	A	2	320	XYZ
		B	4	640	XXX
		x	x	x	
			210		
		Balance	15		

Form showing the account of V.F. IX-A received from the press and issued

tothe talati, taluka, district,

for the year 19..

Opening balance on 1st Augst 19..	Number of books received as per annual indent.	Books issued to talatis.			
Number of books containing 160 receipts.		Name of village,	Number of books issued.	Number of receipts	Talati's signature in token of receipts and date.
Irrigation.					
10	30	A	2	320	XYZ.
		B	4	640	XXX
		x	x	x	
			35		
		Balance	5		

Form showing the account of Tagai Receipt Books received from the press and issued to the Talati, taluka district, for the year 19..

Opening balance on 1st August 19.	Number of books received per annual indent.	Books issued to talatis.			
Number of books containing 100 receipts.		Name of village.	Number of books issued.	Number of receipts.	Talatis' signature in token of receipt and date.
Tagai					
4.	20	A	2	320	XYZ.
		B	4	640	XXX.
		x	x 20	x	
		Balance	4		

FORM No . 2

Stat-ement showing the rojmels issued to talatisx taluka.

Name of village.	Number of books and receipts they contain, issued as per list attached.														
	1939.			1940			1941.			1942.					
	Serial number of book,	Number of receipts.	Date of issue	Serial number of book.	Number of receipts.	Date of issue	Serial number of book	Number of receipts.	Date of issue.	Serial number of book.	Number of receipts.	Date of issue.			
				Land Revenue.											
A.	I	1 to 160	...	II 39	86to 160	...	II 40	26to 160	...	...	...	...			
	II	Do...	...	I	1to 160	...	I	1to 160	...	...	...	...			
				II	1to 160	...	...	.....	...	...	...	...			
				Taqgai.											
	I	1to 160..	...	I 39	51to160	...	I 39	105to160	...	...	...	...			
				Irrigation											
	I	1to 160	...	I 39	74to 160	...	...	...	...	...	...	...			

Number of books and receipts received back into record room

1939.			1940			1941.			1942.			Remarks.
Serial number of book.	Number of receipts.	Date of issue.	Serial number of book.	Number of receipts.	Date of issue.	Serial number of book	Number of receipts.	Date of issue.	Serial number of book.	Number of receipts	Date of issue.	
...	...	...	I/39	1to 160	...	II/39	1to160	...	...	...	...	
...	...	...	...	.....	...	I/40	1 to160	...	...	...	...	Book No.II re-issued for 1939 using tho unused receipts Nos. 85 to 160. (Sd.) C.D., Record Karkun 1940.
...	...	...	...	....	...	...	.....	...	...	...	...	Book No I re-issued for using Nos. 51 to 160. (Sd).... Record keeper, September 1940.

Book No II of 1940 re-issued for using receipts Nos. 21 to 160. (Sd) R.K. Record Karkun 1941.

Book No. I re-issued for using receipts Nos. 105 to 160. (Sd).. Record Keeper, September 1940.

Book No. I/39 re-issued forusing No. 74 to 160. (Sd). .. Record Keeper, September 1940.

580/36
Originals in S.112
15030

FORM NO. 3.

Register of stock of books of V.F. IX to be maintained by Kulkarni or talati
village taluka.

Received from taluka.				Return to taluka.					Serial number of unused counterfoils if any and reasons for non-issue.	Signature of Record keeper for having received the books and date.	Initial of Inspecting Officers and dates.	
On(Date).	Serial number of books	For what revenue.	Receipt numbers (from to)	On(Date)	Book numbers	Receipt numbers (from to).	(a)Begun on	(b)completed on				
1.	2	3	4	5	6	7	8	9	10	11	12	
5th September 1939,	I	Land Revenue	1 to 160	10th September 1940.	I	1 to 160	10th January 1940.	5th April 1940.	Receipt No. 129 was cancelled as it was wrongly used for assessment belonging to village B.	Book No I/59 received in the taluka: 10th September 1940.	Ex...Seen (Sd). C.I.Extra S.K., 15th January 1940.	Seen . (Sd). D.I.
	II	Do	1 to 160	.....	II	Do.	6th April 1940	...	.....	Book No II/59 reissued for using receipts Nos.85 to 160. (Sd). C.D., Record keeper, 10th September 1940.	Seen. (Sd.).... Mamlatdar.	Seen. (Sd.) Prant.
"	I	Irrigation.	1 to 160	.....	....	....	....	...	.....	Re-issued for issuing receipts Nos. 74to160 (Sd). C.D., Record Keeper. 10th Septr. 1940.		
"	I	Tagai	1 to 160	.....	.....	....	.....	.....	.....	Reissued for using receipts from 51to160 (Sd.) C.D., Record Keeper, 10th September 1940.		

No. of 1940.
Copy forwarded for information and guidance to.

No. 3191/33-A. Finance Department.
Bombay Castle, 1st August 1940.

Subject:- Embezzlements and xx frauds :

Measures to prevent-----

Memorandum :-

The undersigned presents compliments to the Superintending Engineer , Central Circle, and, in amplification of Government Memorandum No. 3191/33/15901 -A dated 2nd September 1938, on the subject mentioned above, is directed to state that in accordance with the orders issued in Government Circular No. 3191 dated the 9th April 1931 read with Financial Rule 40-C inserted by Government Resolution, Finance Department, No. 3191 dated 8th July 1937 one person may carry an amount upto Rs. 20/- . If such amount exceeds Rs. 200/- two persons should be sent. If the amount is in excess of Rs. 5,000/- one of the persons must invariably be a clerk or a cashier.

2. The necessary correction to Financial Rule 40-C will be issued in due course.

By order of the Governor of Bombay,

Sd/-
For Deputy Secretary to the Govt. of Bombay,
Finance Department.

Copies with copies of Government Memorandum No. 3191/33/15901, dated 2nd September 1938, forwarded to:-

The Accountant General,

The Secretary to the Governor , Bombay,

The Military Secretary to His Excellency the Governor,

* The Prothonotary and Senior Master, His Majesty's High Court, Bombay,

* The Registrar of His Majesty's High Court of Judicature Appellate Side, Bombay,

All other Heads of Office under the Several Departments of the Secretariat,

All Departments of the Secretariat.

* By letter.

P.T.O.

No. 3191/33/15901-A. Finance Department.

Bombay Castle, 2nd September 1938.

Subject:- Embezzlements and frauds:

Measures to prevent---

Memorandum

The undersigned presents compliments to the Superintending Engineer, Central Circle, and, with reference to his letter No. C.E. 4/3074, dated 20th 1938, to Government in the Public Works Department on the subject mentioned above, is directed to state that in accordance with the orders issued in Government Circular No. 3191 dated 9th April 1931 read with Financial Rules 40-C inserted by Government Resolution, Finance Department, No.3191 dated 8th July 1937 one person may carry money upto Rs. 200/- if, however, the amount to be carried is between Rs. 200 and Rs. 5,000 two peons are necessary, if only peons carry ex the money. If the amount is in excess of Rs. 5,000/- one of the persons must invariably be a clerk or a cashier.

By order of the Governor of Bombay,

B.M. Rane,
Assistant Secy. to the Government of Bombay

Finance Department.

Copy to the Public Works Department.

Embezzlements:
Measures to prevent:-

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 3191.

Bombay Castle, 23rd February 1942.

Read Government Resolution, Revenue Department, No. 3998 dated 18th March 1937.

RESOLUTION- In modification of Government Circulars, No. 3191 dated 29th November 1927, and 3rd April 1929, Government is pleased to direct that the orders contained therein should be taken as applicable lower limits, have, in specific instances, been laid down in other rules or orders of Government. It follows that in the case of remittances made by Village Officers to Taluka Treasuries the relevant rules in the Manual of Revenue Accounts should be followed.

2. The following amendment to Financial Rule 40-C in the Manual of Financial Rules under Devolution Rule 37 (e) will be issued in due course:-

Page 21- Rule 40-C inserted by correction No 805 dated 28th January 1941.-

Add the following at the end of this rule:-

"These limits are applicable in all cases unless lower limits have, in specific instances, been laid down in other rules or orders of Government."

By order of the Governor of Bombay,
B. VENKATAPPIAH,
Deputy Secretary to Government.

To

The Accountant General, Bombay,
The Commissioners of Divisions,
All Collectors of Divisions,
All other Heads of Offices under the several Departments of the Secretariat,
All Departments of the Secretariat,
*The Prothonotary and Senior Master, His Majesty's High Court Bombay,
*The Registrar of His Majesty's High Court of Judicature, A Appellate Side , Bombay,

* By ~~mx~~ letter.

No. of 1942.

Copy forwarded for information and guidance to.

Departmental enquiry in cases of fraud and embezzlement of Government money in which Government servants are involved.

GOVERNMENT OF BOMBAY.
POLITICAL AND SERVICES DEPARTMENT.
Resolution No. 3488/34.

Bombay Castle, 31st May 1943.

Read Government Resolution, Finance Department, No. 3191, dated the 1st July 1936.

Endorsement from the Government of India, Home Department, No. 106/40, Public , dated the 8th May 1943, forwarding a ~~xx~~ copy of the following letter bearing the same number and date:-

" I am directed to refer to Home Department Letter No. F. 312/35 -Public , dated the 15th November 1935, and to state that the question has been raised whether paragraph 6 of that letter should not be modified so as to make it clear that in cases in which a Government servant is acquitted or discharged in criminal proceedings instituted against him, the departmental proceedings should not be resumed save ~~xx~~ where ~~thexx~~ special circumstances of the case make such a course necessary in the public interest . Since the cases to which that letter refers are cases of fraud, embezzlement of Government money or similar offences, it seems that the primary consideration in such cases from the point of view of departmental action should be whether the accused Government servant, is or is not, guilty of the offence with which he is charged and that the punishment which he receives by sentence of the Court should be a secondary factor. If therefore, a Government servant is convicted, the question whether he should be allowed to continue in Government service should be considered, and departmental proceedings should accordingly be resumed ad completed in such cases, irrespective of the punishments awarded to him.

" 2. The case in which the accused is not convicted stands on a different footing. In such cases the prima facie presumption is that the accused is not guilty of what was alleged against him, and therefore, the ~~xxxx~~ power to take departmental action against him should be exercised with the greatest discretion. The rule in such cases might be that the departmental proceedings should be dropped unless the officer competent to take departmental action is of th

the opinion that, having regard to the facts of the case, it would be desirable to take such action in the public interest.

" 3. The Government of India have therefore decided in consultation with the Federal Public Service Commission, that for the last two sentences of paragraph 6 of the letter cited above, the following should be substituted:-

' If the accused is convicted, the departmental proceedings against him should be resumed and formally completed. If the accused is not convicted the departmental proceedings against him should be dropped unless the authority competent to ~~xx~~ take disciplinary action is of the opinion that the facts of the case disclose adequate grounds for taking departmental action against him. In either case the proceedings against the remaining delinquents should be resumed and completed as soon as possible after the termination of the proceedings in court."

RESOLUTION:- Copies of the Government of India letter should be forwarded for information and guidance to all Departments of the Secretariat and all Heads of Offices under them with reference to ~~xxxxxxxxxx~~ Government Resolution, Finance Department No. 5191, dated the 1st July 1986.

By order of the Governor of Bombay
I.E. TAUNTON,
Chief Secretary to the Government of Bombay,
Political and Services Department.

G.A. No. 5488/34, P. & S.D. dated the 31st May 1943.

To

The Secretary to Governor,
The Accountant General, Bombay,
The Commissioner of Police, Bombay,
The Inspector General of Police, Bombay Province, Poona,
The Chief Presidency Magistrate Bombay,
All District Magistrates,
All other Heads of Offices under the several Departments of the Secretariat,
All Departments of the Secretariat,

No. of 1943.

Copy forwarded for information and guidance to.

E. B.

Submitted for information.

2. The necessary note ~~xxxxx~~ has been made in the office copy of the G.R., ~~dated~~ at pp. ante.

Record.

Id. 29-6-43. Id. 30-6-43.

Embezzlement of Government of money
measures to prevent frauds by impers
sonation.

GOVERNMENT OF BOMBAY.
FINANCE DEPARTMENT.

Circular No. 4397/33.
Bombay Castle , 15th November 1945.

CIRCULAR OF GOVERNMENT.

A case of a embezzlement of Government money has occured in wh
ich a contigent bill was fraudulently obtained an impostor from
a Government Treasury and encashed at the Imperial Bank of India
Government xx considers that the system of identifying the messe-
nger was not satisfactory in this particular case and in order
to avoid such occurences in future, the following procedure sh-
ould xx invariably be followed.

2. The messenger's signature, in whose name the bill is endor-
sed , should be taken on the bill in the presence of the endor-
sing officer and that signature should be compared with the
signature taken in the presence of the treasury official. If
both these signatures agree, paymont may be made, otherwise the
bill may be returned with a statement of objection tothe office
concerned directly and not through the messenger.

By order of the Governor of Bombay,
V.P. SABNIS.
Under Secretary to Government.

To
The Accountant General , Bombay,
The Commissioners of Divisions,
All Collectors,
*The Prothonotary ad Senior Master, His Majesty's High Court,
Bombay,
*The Registrat of His Majesty's High Court of Judicature, App-
ellate Side, Bombay,
*The Secretary, Reserve Bank of India, Central, Office , Bombay,
*The Secretary, and Treasurer ,Imperial Bank of India, Bombay,
All otherm Heads of Offices under several Departments of the
Secretariat,
All Departments of the Secretariat.

* By letter.

No. of 1945.
Copy forwarded for information and guidance to.

E. B. (II) Submitted.
2. This may be noted for further guidance.
3. It may, however, be stated, that the general prac
ctice in this office is not to endorse the bills
to any person.

Record.

Id 27-12-45 Id. 27-12-45.

INPyune
14/7/56